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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,687	12/21/2001	Herbert V. Joiner	NAI1P064/01.306.01	3319

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EXAMINER	
WINDER, PATRICE L	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,687	JOINER ET AL.	
	Examiner	Art Unit	
	Patrice Winder	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-14,17-22,25,26 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-14,17-22,26 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Request for Information

1. The response filed on July 26, 2004 was non-responsive to the final rejection filed on April 27, 2004 to the request made in paragraph #2. To reiterate, please state the specific improvements of the claimed subject matter in claims 1-6, 9-14, 17-22, 25-29 over the disclosed prior art. After careful consideration of applicant's response to the "Request for Information" received on February 9, 2004, paper #8, the examiner is unable to determine applicant's statement of the specific improvements of the claimed invention over the disclosed prior art. Specifically, the prior art that was considered is not even positively recited in the statements made by applicant, for example, USPN 6,314,460 B1, Knight et al.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

3. Claims 1-6, 9-14, 17-22, 25-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al., USPN 6,108,782 (hereafter referred to as Fletcher) in view of Singh et al., USPN 5,758,083 (hereafter referred to as Singh), further in view of Sharon et al., USPN 6,137,782 (hereafter referred to as Sharon).

4. Regarding claim 1, Fletcher taught a method for reporting on network analysis (abstract), comprising:

(a) collecting network traffic information utilizing a plurality of agents installed on computers distributed among a plurality of zones (column 6, lines 12-16, column 20, lines 1-18);

(b) receiving the network traffic information collected from the agents associated with each zone at a separate host controller (column 6, lines 25-32); and

(c) transmitting a report on the network traffic information from the host controller to a computer coupled to the network (column 8, lines 22-27);

wherein the report includes a plurality of objects (column 3, lines 47-49, column 9, lines 33-43) in a tree representation (tree representation = MIB, column 3, lines 47-49, column 9, lines 33-43);

wherein at least one zone controller chooses a port number associated with an application (column 6, lines 53-58) and pushes a configuration request to a plurality of controllers in an associated zone (column 11, lines 48-60), and the host controllers push the configuration requests to the agents so that the agents begin to monitor a port associated with a port number (column 8, lines 46-50, column 11, lines 48-60), such that monitor data is sent from the agents to the host controller and buffered (column 9, lines 33-37), whereafter the host controller update the at least one zone controller with consolidated monitor data (column 18, lines 1-18), where differences in delay times are calculated to construct an enterprise picture of latency (column 7, lines 4-8, column 12, lines 41-43).

Fletcher does not specifically teach a plurality of consoles, mapping the network topology or intrusion detection services. However, Singh taught a plurality of consoles

are coupled to a host controller for collecting network traffic information from the host controller (column 7, lines 3-10) and displaying the network traffic information from the host controller (column 5, lines 2-8), wherein a user interface is adapted for analyzing an output (column 5, lines 2-8, column 11, lines 34-39);

wherein a map of the network is generated based on the network traffic information (column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic information (column 10, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Singh's plurality of consoles in Fletcher's distributed remote monitoring system would have improved efficiency. The motivation would have been to properly manage large networks by distributing network management and sharing network management information to facilitate the distributing network management.

Fletcher does not specifically teach the information relates to wireless network traffic. However, Sharon taught the information relates to wireless network traffic (column 1, lines 23-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Sharon's wireless network traffic in Fletcher's system for monitoring network traffic would have expanded system flexibility. The motivation would have been to provide Fletcher's service in networks of diverse communication media.

5. Regarding dependent claim 2, Fletcher taught the report is capable of being displayed on the computer utilizing a network browser (column 17, lines 8-14).

6. Regarding dependent claim 3, Fletcher taught the network includes the Internet (column 17, lines 8-14).

7. Regarding dependent claim 4, Fletcher taught the method further comprising receiving a request at one of the controllers for a report on the network traffic information corresponding to the zone associated with the controller (column 18, lines 1-8).

8. Regarding dependent claim 5, Fletcher taught the report is transmitted in response to the request (column 18, lines 1-8).

9. Regarding dependent claim 6, Fletcher taught the report includes a network analyzer report (column 18, lines 1-8).

10. The language of claims 9-14, 17-22, is substantially the same as previously rejected claims 1-6. Therefore, claims 9-14, 17-22 are rejected on the same rationale as previously rejected claims 1-6, above.

11. Regarding claim 25, Fletcher taught a method for reporting on network analysis (abstract), comprising:

(a) collecting network traffic information utilizing a plurality of agents installed on computers distributed among a plurality of zones (column 6, lines 12-16, column 20, lines 1- 18);

(b) receiving the network traffic information collected from the agents associated with each zone at a separate host controller (column 6, lines 25-32);

(c) receiving a request at one of the host controllers for a report on the network traffic information corresponding to the zone associated with the host controller (column 18, lines 1-8);

(d) transmitting a report on the network traffic information from the host controller to a computer coupled to the network (column 8, lines 22-27);

(e) wherein the report is capable of being displayed on the computer utilizing a network browser (column 17, lines 8-44);

wherein at least one zone controller chooses a port number associated with an application (column 6, lines 53-58) and pushes a configuration request to a plurality of host controllers in an associated zone (column 11, lines 48-60), and the host controllers push the configuration requests to the agents so that the agents begin to monitor a port associated with the port number (column 8, lines 46-50, column 11, lines 48-60), such that monitor data is sent from the agents to the host controllers and buffered (column 9, lines 33-37), hereafter the host controllers update at least one zone controller with consolidated monitor data (column 18, lines 1-18), where differences in delay time are calculated to construct and enterprise picture of latency (column 7, lines 4-8, column 12, lines 41-43).

Fletcher does not specifically teach a plurality of consoles, mapping the network topology or intrusion detection services. However, Singh taught a plurality of consoles are coupled to a host controller for collecting network traffic information from the controller (column 7, lines 3-10) and displaying the network traffic information from the

host controller (column 5, lines 2-8), wherein a user interface is adapted for analyzing an output (column 5, lines 2-8, column 11, lines 34-39);

wherein a map of the network is generated based on the network traffic information (column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic information (column 10, lines 1-6). For motivation for combination see claim 1, above.

Fletcher does not specifically teach the information relates to wireless network traffic. However, Sharon taught the information relates to wireless network traffic (column 1, lines 23-30). For motivation for combination see claim 1, above.

12. Regarding claim 26, Fletcher taught a method for reporting on network analysis (abstract), comprising:

collecting network traffic information utilizing a plurality of information collectors installed on computers distributed among a plurality of zones (column 6, lines 12-20, column 20, lines 1- 18);

receiving the network traffic information collected from the information controllers associated with each zone at an information collector manager (column 6, lines 25-32); and

generating a report on the network traffic information associated with a selected one of the zones (column 9, lines 33-43, column 18, lines 1-8);

wherein at least one zone controller chooses a port number associated with an application (column 6, lines 53-58) and pushes a configuration request to a plurality of information collector managers in an associated zone (column 11, lines 48-60), and the

information collector managers push the configuration requests to the information collectors so that the information collectors begin to monitor a port associated with the port number (column 8, lines 46-50, column 11, lines 48-60), such that monitor data is sent from the information collectors to the information collector managers and buffered (column 9, lines 33-37), hereafter the information collector managers update at least one zone controller with consolidated monitor data (column 18, lines 1-18), where differences in delay time are calculated to construct and enterprise picture of latency (column 7, lines 4-8, column 12, lines 41-43).

Fletcher does not specifically teach a plurality of consoles, mapping the network topology or intrusion detection services. However, Singh taught a plurality of consoles are coupled to a controller for collecting network traffic information from the controller (column 7, lines 3-10) and displaying the network traffic information from the controller (column 5, lines 2-8), wherein a user interface is adapted for analyzing an output (column 5, lines 2-8, column 11, lines 34-39);

wherein a map of the network is generated based on the network traffic information (column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic information (column 10, lines 1-6). For motivation for combination see claim 1, above.

Fletcher does not specifically teach the information relates to wireless network traffic. However, Sharon taught the information relates to wireless network traffic (column 1, lines 23-30). For motivation for combination see claim 1, above.

13. Regarding claim 28, Fletcher taught a computer program product for reporting on network analysis (abstract), comprising:

computer code for collecting networks traffic information utilizing a plurality of information collectors installed on computers distributed among a plurality of zones (column 6, lines 12-20, column 20, lines 1- 18);

computer code for receiving the network traffic information collected from the information controllers associated with each zone at an information collector manager (column 6, lines 25-32);

computer code for generating a report on the network traffic information associated with a selected one of the zones (column 9, lines 33-43, column 18, lines 1-8); and

wherein at least one zone controller chooses a port number associated with an application (column 6, lines 53-58) and pushes a configuration request to a plurality of information collector managers in an associated zone (column 11, lines 48-60), and the information collector managers push the configuration requests to the information collectors so that the information collectors begin to monitor a port associated with the port number (column 8, lines 46-50, column 11, lines 48-60), such that monitor data is sent from the information collectors to the information collector managers and buffered (column 9, lines 33-37), hereafter the information collector managers update at least one zone controller with consolidated monitor data (column 18, lines 1-18), where differences in delay time are calculated to construct and enterprise picture of latency (column 7, lines 4-8, column 12, lines 41-43).

Fletcher does not specifically teach a plurality of consoles, mapping the network topology or intrusion detection services. However, Singh taught a plurality of consoles are coupled to a controller for collecting network traffic information from the controller (column 7, lines 3-10) and displaying the network traffic information from the controller (column 5, lines 2-8), wherein a user interface is adapted for analyzing an output (column 5, lines 2-8, column 11, lines 34-39);

wherein a map of the network is generated based on the network traffic information (column 5, lines 43-53); and

wherein intrusion detection services are provided based on the network traffic information (column 10, lines 1-6). For motivation for combination see claim 1, above.

Fletcher does not specifically teach the information relates to wireless network traffic. However, Sharon taught the information relates to wireless network traffic (column 1, lines 23-30). For motivation for combination see claim 1, above.

Response to Arguments

14. Applicant's arguments filed July 26, 2004 have been fully considered but they are not persuasive.

15. Applicant argues – "Thus, the foregoing excerpts from Fletcher (in light of the foregoing MIB definition), fail to meet applicant's claimed 'report [that] includes a plurality of objects in a tree-representation' (emphasis added), as claimed by applicant. Even if the Examiner's erroneous interpretation of MIB was assumed, the Examiner's combination would still fail since applicant is not claiming a tree-based information base.

but rather a tree-representation based report for more effectively displaying objects and reporting on the same."

a. By definition an MIB is a tree representation of management objects. Fletcher taught reporting MIBs (column 9, lines 33-43). The claim language does not recite displaying objects in a tree representation, so applicant's argument is not persuasive.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Park, USPN 5,646,415 B1: taught in accordance with the MIB specification, MIB is organized according to an object identifier-naming tree; the naming tree 200 is comprised of a root directory 210, as well as leaf nodes.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 703-305-3938 until October 27, 2004 and 571-272-3935 thereafter. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705 prior to October 27, 2004 and 571-272-3896 thereafter. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5356.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrice Winder
Primary Examiner
Art Unit 2145

September 17, 2004